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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Report of the Fifth Committee

Rapporteur: Mr. Santiago **Wins** (Uruguay)

I. Introduction

1. At its 3rd plenary meeting, on 19 September 2001, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-sixth session the item entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 33rd, 34th and 39th meetings, on 7, 10 and 20 December 2001. Comments and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/56/SR.33, 34 and 39).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the budget for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other

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Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the biennium 2002-2003 (A/56/497 and Add.1);

(b) Report of the Secretary-General on the financial performance report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the period from 1 January to 31 December 2000 (A/56/500);

(c) Reports of the Advisory Committee on Administrative and Budgetary Questions (A/56/666 and A/56/717);

(d) Report of the Secretary-General on the revised estimates resulting from the strengthening of the role of internal oversight services at the International Tribunals for the biennium 2002-2003 (A/C.5/56/30).

II. Consideration of draft resolution A/C.5/56/L.26

4. At the 39th meeting, on 20 December, the representative of Norway, coordinator of the informal consultations on the item, introduced, on behalf of the Chairman, a draft resolution entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" (A/C.5/56/L.26) and orally revised it by replacing, in operative paragraph 8, the word "eighty" by the word "seventy-seven".

5. At the same meeting, the Committee adopted draft resolution A/C.5/56/L.26, as orally revised, without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Taking note of the reports of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law

Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994[1] and the related reports of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling its resolution 49/251 of 20 July 1995 on the financing of the International Tribunal for Rwanda and its subsequent resolutions thereon, the latest of which was resolution 55/226 of 23 December 2000,

Taking note of the report of the Secretary-General on the budget performance of the International Tribunal for Rwanda for 2000[3] and the comments of the Advisory Committee thereon in its report,[4]

Taking note also of Security Council resolution 1329 (2000) of 30 November 2000 concerning the election of two judges of the International Tribunal for Rwanda and the assignment of two of the judges elected or appointed in accordance with article 12 of the statute of the International Criminal Tribunal for Rwanda to be members of the Appeals Chamber of the International Criminal Tribunal for Rwanda and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

1. *Endorses* the conclusions and recommendations contained in the reports of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution;

2. *Deeply regrets* the delay in the submission of the reports of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994;

3. *Reaffirms* paragraph 3 of its resolution 54/240 A of 23 December 1999, and emphasizes that future reports on the financing of the International Criminal Tribunal for Rwanda should be submitted by 1 October of the year in which they are to be considered;

4. *Notes* that a large total number of interns were used, and stresses that the acceptance of such interns should be consistent with the established guidelines, rules and regulations, in particular as regards the exceptional nature of a six-month assignment;

5. *Notes with great concern* that the high vacancy rate, particularly at the higher level of the administrative hierarchy, affects the effectiveness of the activities of the International Criminal Tribunal for Rwanda;

6. *Notes* the issues raised by the Advisory Committee in paragraphs 12, 16, 18, 29, 30, 44, and 49 of its report,[4] and decides to revert to these issues at the resumed fifty-sixth session of the General Assembly;

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[1] A/56/497 and Add.1 and A/C.5/56/30.

[2] A/56/666 and A/56/717.

[3] A/56/500.

[4] A/56/666.

7. *Decides* that the staffing table for the International Criminal Tribunal for Rwanda shall remain at levels approved for 2001 until the General Assembly at its resumed fifty-sixth session in March 2002 determines appropriate levels for the biennium 2002-2003;

8. *Authorizes* the International Criminal Tribunal for Rwanda to utilize the necessary general temporary assistance resources to provide the equivalent of up to seventy-seven new posts recommended by the Advisory Committee for the purposes and functions intended, it being understood that this utilization of general temporary assistance is to ensure the ability of the Tribunal to assume an accelerated schedule of trials, as foreseen in the budget proposal, and would be without prejudice to the decisions adopted by the General Assembly at its resumed fifty-sixth session as regards an authorized staffing table for the biennium 2002-2003;

9. *Decides* to appropriate, on a provisional basis, subject to further review at its resumed fifty-sixth session, to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, a total amount of 192,312,400 United States dollars gross (173,611,600 dollars net) for the biennium 2002-2003;

10. *Decides also* that the financing of the appropriation for the biennium 2002-2003 under the Special Account shall take into account the actual unencumbered balance of 4,237,100 dollars gross (3,851,900 dollars net) as at the end of 2000 and the estimated unencumbered balance of 3,010,100 dollars gross (2,352,900 dollars net), which was taken into account in resolution 55/226, as well as the amount of 2,160,000 dollars gross (2,160,000 dollars net), being the interest and other miscellaneous income recorded for the biennium 2000-2001, which shall be set off against the aggregate amount of the appropriation, as detailed in the annex to the present resolution;

11. *Requests* the International Criminal Tribunal for Rwanda to submit, on an annual basis, a financial and programme performance report to the General Assembly;

12. *Notes* the proposed maintenance costs for prisoners,[5] and requests the Secretary-General to include this item in the context of the requested report on the long-term financial implications of the International Criminal Tribunal for Rwanda at the resumed fifty-sixth session;

13. *Decides* to apportion for the year 2002 the amount of 47,844,850 dollars gross (43,237,650 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the biennium 2002-2003, as set out in its resolution 55/5 B of 23 December 2000;

14. *Decides also* to apportion for the year 2002 the amount of 47,844,850 dollars gross (43,237,650 dollars net) among Member States in accordance with the rates of assessment applicable to peacekeeping operations for 2002;

[5] A/56/497, para. 13.

15. *Decides further* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 9 and 10 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 18,700,800 dollars approved for the International Criminal Tribunal for Rwanda for the biennium 2002-2003.

Annex

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross	*Net*
	(United States dollars)	
Estimated appropriation for the biennium 2002-2003 (after recosting)	198 523 800	179 015 300
Additional appropriations (after recosting)[a]	189 200	189 200
Reduction made by the Advisory Committee on Administrative and Budgetary Questions (after recosting)	(2 079 000)	(1 863 900)
Reductions proposed by the Fifth Committee	(4 321 600)	(3 729 000)
Revised estimated appropriation for the biennium 2002-2003 (after recosting)	192 312 400	173 611 600
Add:		
Estimated unencumbered balance for 2000 that was taken into account and reduced from the assessment for 2001 (see resolution 55/226)	4 237 100	3 851 900
Less:		
Actual unencumbered balance for the year 2000	(3 010 100)	(2 352 900)
Interest and other miscellaneous income for the biennium 2000-2001 as at 30 June 2001	(2 160 000)	(2 160 000)
Balance to be assessed for the biennium 2002-2003[b]	191 379 400	172 950 600
Assessment for 2002, of which:	95 689 700	86 475 300
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the biennium 2002-2003	47 844 850	43 237 650
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for the biennium 2002-2003	47 844 850	43 237 650

[a] Includes resources for internal oversight functions as detailed in A/C.5/56/30 and A/56/717.

[b] Equivalent amounts will be presented to the General Assembly at its fifty-seventh session for assessment for the biennium 2002-2003.